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Maldon Local Plan - Representations to Main Modifications on behalf of Countryside Properties (UK) Ltd

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Background

Countryside Properties (UK) Ltd have an interest in proposed Site Allocation S2(d) (the main landholding in the North Heybridge Garden Suburb). On behalf of Countryside, we submitted an Outline planning application (with detailed elements for key infrastructure including the North Heybridge Relief Road and the Strategic Flood Alleviation Scheme) in 2015, which is awaiting determination, following the submission of additional supporting information in September 2016.

These representations to the Main Modifications on behalf of Countryside cover matters primarily associated with the practical delivery of the North Heybridge Garden Suburb. Our representations are set out below, using the same order and referencing as used by the District Council in the Schedule of Main Modifications.

Representations

Mod 74 – Modifications 88 and 89 seek to introduce additional text to Policy S2 and paragraph 2.32 respectively to the effect that development in excess of the quantum set out in the LDP will only be permitted where it can be demonstrated that there is sufficient infrastructure capacity, and where it would not prejudice the delivery of the LDP (including delivery of the Garden Suburbs).

The Table that sits within Policy S2, however, to which Modification 74 relates, is now out of date, because the Council has already resolved to grant permission for development on some of the sites listed in the Policy as levels higher than those listed.

For example, the figures in the S2 Table for the capacity of sites S2(b), S2(c), S2(f), and S2(g) do not match the capacity figures used for these sites on the last page of the 5 Year Land Supply document which has been published for consultation alongside the Main Modifications, and which is based upon the more up to date site capacity arising from the Council's consideration of the relevant planning applications for these sites.



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Our own application for Site S2(d) establishes through the Environmental Statement a capacity for some 1140 units, as opposed to the 1035 referred to in the Table.

Since the S2 Table effectively sets the benchmark against which any additions to the LDP provisions would be tested, under Modifications 88 and 89, it is important that the Table is correct in terms of the actual number of units that the Council has already resolved to support on these sites, and that the tests under Modifications 88 and 89 only apply to additions to the LDP over and above those existing commitments.

We should clarify that we support Modifications 88 and 89, and agree that it is right that the Plan takes measures to protect the delivery of the key development allocations, but for the Plan to be 'Effective' in this respect, it is important that the Policy S2 Table is factually accurate in terms of the level of development already endorsed by the Council for the various strategic growth locations.

Mod 77 – We noted that the explanation to Modification 77 is that the Housing Trajectory has been updated to reflect the latest available information, but there is a lack of consistency between the figures given in the updated Housing Trajectory graph for the strategic sites and the information set out on the last page of the updated 5 Year Land Supply monitoring report for the same strategic sites.

For 2016/17, the Trajectory suggests 362 units from the strategic sites, whereas the 5 Year Land Supply suggests only 67 units. For 2017/18, the Trajectory suggests 436 units from strategic sites, whereas the 5 Year Land Supply table says 195 units. For 2018/19, the Trajectory suggests 482 units, but the 5 Year Land Supply table says 365.

The Housing Trajectory is an important element of the Plan, and should be 'Justified' in respect of the evidence base, and in this instance, the evidence base in the form of the 5 Year Land Supply update shows a slower rate of delivery than set out in the Trajectory.

Mod 50 – We support the additional text which provides clarification on the purposes of the Masterplan. The preceding text is however now inaccurate, as the Strategic Masterplan Frameworks for both South Maldon Garden Suburb and North Heybridge Garden Suburb have now been completed. The words "will be" in the text should be replaced by "has been".

Mod 51 – As per the above, the text is inaccurate, as the Masterplans have already been prepared. The Effectiveness of the Plan is compromised by referring to additional work that still needs to be done in connection with the Garden Suburbs, that has in fact already been done. The words "will be" in the first sentence should be replaced by "are", and reference to "will be endorsed" in the second sentence should be replaced by "have been endorsed". In addition, there does not now seem to be any need for the final part of the sentence relating to possible adoption as SPDs, as presumably that decision has already been made.

(NB Although not subject to Modifications, paragraphs 2.44 and 2.50 also require updating to refer to Masterplan preparation in the past tense, rather than future tense).



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Mod 108 – On a very minor point, there is no need for the inclusion of the additional word ‘and’ at the end of bullet point relating to the relief road, as Modification 108 itself deletes the bullet point that follows (referring to the country park) and Modification 100 deletes the reference to the strategic flood alleviation scheme as a development requirement, such that in fact, the bullet point referring to the relief road is the last bullet point in that list.

Mod 96 – We do not object to the additional text which states that infrastructure should be delivered in line with the requirements set out in Policy I1, but we do object to the inclusion of the rest of this Modification, which refers to regard being had to the most recent evidence in the Infrastructure Delivery Plan.

The Infrastructure Delivery Plan (IDP) is an important part of the evidence base that underpins the policies in the LDP, and in particular the IDP has informed the contents of both Policy I1 and Policy S4, as regards the infrastructure requirements for the Garden Suburbs.

The IDP remains a ‘live’ document, and one that is not itself subject to Examination. It is inappropriate to have a policy requirement which (and notwithstanding the use of the term ‘having regard’ in the Modifications text) effectively links the delivery of infrastructure for the strategic allocations to a background document that can be regularly changed, and moreover which can be altered without any consultation or external testing. Having used the IDP to establish the infrastructure necessary to support the LDP, it is neither helpful in terms of the ‘Effectiveness’ of the LDP, nor necessary, to embed future revisions of the IDP in to policy.

Of course it could be the case that, in the context of a specific planning application, some amendment to the infrastructure requirements set out in the LDP could be justified, for example because of the passage of time or specific evidence arising from detailed proposals. The ‘planned’ system for determining planning applications already allows for other material considerations to be taken in to account, and therefore if, exceptionally, there is a particular need to address different infrastructure requirements, that is a matter that can still be addressed through the normal application process.

Mod 004 – The reference to flood risk management being ‘integrated’ with the development of the Garden Suburbs is a matter covered in our original representations at Pre-Submission stage. For the North Heybridge Garden Suburb proposals, there are two aspects of water management, one being a strategic Flood Alleviation Scheme (FAS) which has the wider effect of reducing flood risk within the existing settlement by diverting high flows away from Heybridge, and which is located separately from the development area, and the second being the on-site sustainable urban drainage system to be delivered in connection with the new development itself.

There is a risk that, as drafted, the wording of the 5th bullet point on page 27 could be taken to apply to the FAS, which is neither physically nor wholly functionally ‘integrated’ with the North Heybridge Garden Suburb. In the interests of clarity (and therefore ‘Effectiveness’), and bearing in mind that none of the strategic allocations are in flood risk areas, it would be appropriate to alter the start of this sentence to state:

“Sustainable urban drainage systems to manage surface water must be planned ...”.



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Mod 006 – As per our objection to Modification 96, it is inappropriate to ‘embed’ as a policy requirement a need to comply with an external background document that may be subject to change. The Planning Practice Guidance makes clear that the key infrastructure upon which delivery of the Plan depends should be included within the Plan itself (Reference ID: 12-018-20140306).

To avoid confusion and provide clarity (i.e. for the LDP to be ‘Effective’), it should be clear that the infrastructure requirements upon which delivery of the Garden Suburbs depend are those listed in Policy S4 and I1.

Accordingly, we do not consider that the additional text proposed should be included within the Plan. Alternatively, if the text were included, the reference to ‘requirements’ should be deleted (as the ‘requirements’ are those set out in the Plan), and in effect the text reverts imply to a statement of where additional information can be found, as per the amendments below:

“Further details on infrastructure ~~requirements~~, delivery and funding mechanisms are included in the Infrastructure Delivery Plan.”

Mod 52 – As per our representations to Modifications 50 and 51 set out above, references to Masterplans for the Garden Suburbs should be in the past tense i.e. in this case replace “must be in accordance” with “are in accordance” to reflect the fact that the documents already exist.

Mod 101 – As part of the previous Examination of the LDP, it was determined that, whilst the North Heybridge Garden Suburb provided the opportunity to deliver wider benefits by reducing flood risk in the existing settlement of Heybridge through the construction of a strategic Flood Alleviation Scheme (FAS), the construction of the FAS could not be considered as required infrastructure.

It is acknowledged that the amended wording in the proposed Modification reflects discussions held between Countryside and the District Council at the time of the previous Examination.

However, upon further review, the reference to the development needing to be ‘integrated’ with a strategic FAS potentially still creates some confusion as to the dependency between the two, and clarity (i.e. Effectiveness’) would be better served by a further refinement of this text as follows:

“In particular, strategic developments to the north of Heybridge ~~should not prejudice and should be integrated with~~ can provide the opportunity to deliver a strategic flood alleviation scheme ...”

Mod 112 – As part of the previous Examination of the LDP, it was determined that previous references to the delivery of a Country Park linked to the North Heybridge Garden Suburb were not justified. In the absence of a Country Park (which has been proposed to be located on land west of Maypole Road), discussions were held between Countryside and the District Council regarding alternative wording that would meet the Council’s desire to ensure that there remained separation between the Garden Suburb and the village of Langford to the north-west.



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It is acknowledged that the amended wording in the proposed Modification reflects discussions held between Countryside and the District Council at the time of the previous Examination.

However, upon further review, Countryside are concerned that the two sentences set out in the proposed Modification schedule, when read together, may imply that the agricultural land between Maypole Road and Langford Road requires landscaping works in order for it to form the required green buffer, whereas in actual fact the continued use of the land for agricultural purposes performs that function of itself (as recognised by the insertion of the word 'agriculture' in Modification 109).

In the interests of the Effectiveness of the Plan, the following further minor amendment is proposed:

"The area between the new relief road, Maypole Road and Langford Road will continue to serve as a green buffer to provide a clear separation between Heybridge and Langford villages and to protect and enhance the setting of Listed Buildings and other heritage assets."

Mod 012 – The matter of the B1019/B1137 junction was raised in our original representations to the Pre-Submission Local Plan, in which we noted that it was essential that the paragraph made clear that the development proposals within the LDP were not predicated upon the delivery of improvements to this junction (which was confirmed to be the case by the Highway Authority at the Examination). As such, neither the original text of the LDP, nor the proposed Modification, provide a clear explanation of how the development in the LDP relates to the joint aspirations of the relevant authorities to undertake improvements to this junction in the longer term.

In effect, the junction is seen as a potential constraint to future strategic growth in the A12 corridor, not the growth set out in this LDP.

Accordingly, we consider the alternative wording set out in our original representation to the LPD necessary in order to address matters of 'Effectiveness', as follows:

"Physical space surrounding the B1019 / B1137 junction at Hatfield Peverel has restricted the identification of a viable immediate solution to relieve congestion, however the Highway Authority does not consider that this prevents the development identified in this Plan from coming forward by Essex Highways. ~~A new junction connecting the B1019 to the A12 would provide the most effective solution, however the significant costs associated with a new junction render this option undeliverable at this time.~~ Maldon District Council will seek to work with Braintree District Council, Essex County Council, the Highways Authority, the South East Local Enterprise Partnership, and Central Government to raise awareness and seek funding towards possible long term solutions to this existing issue, taking in to account future strategic growth in adjoining districts." ~~the future implementation of a new junction on the A12.~~

Mod 99 – Our understanding is that the proposed amendment of the affordable housing target for North Heybridge Garden Suburb to 30% is premised on the strategic Flood Alleviation Scheme (FAS) not being provided.



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Although the LDP Modifications remove the FAS as a requirement for development at North Heybridge, the LDP still recognises the FAS as an opportunity for delivery as part of the North Heybridge Garden Suburb, and assuming it is provided (as proposed in Countryside's extant planning application), then the high cost of provision will inevitably be a factor that will affect affordable housing delivery.

Accordingly, in the interests of clarity, a footnote to the 30% affordable housing provision should be added so that the proposals for North Heybridge can be properly understood, and the following wording is suggested:

*"*In the event that proposals for the North Heybridge Garden Suburb take the opportunity for delivery of strategic flood alleviation measures as referred to in connection with Policy S4, the actual level of affordable housing delivery at North Heybridge will need to be assessed through a viability appraisal at the planning application stage."*

Mod 114 – We have no objection to the proposed inclusion of the additional land at Wood Lane, but it is unclear from the Modifications whether or not the additional land is to be treated as part of the North Heybridge Garden Suburb, as no consequential amendments seem to have been made to Policies S2, S4, or I1/Table 2 to reflect the additional land.